

January 23, 2014

Clarke County Board Of Supervisors  
Regular Meeting  
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia rescheduled due to inclement weather from Tuesday, January 21, 2014 to its alternate date Thursday, January 23, 2014.

Board Members Present

Barbara Byrd; J. Michael Hobert; Bev McKay; David Weiss

Board Members Absent

John Staelin

Staff Present

Tony Roper; Pam Hess; David Ash; Tom Judge; Brandon Stidham; Lora B. Walburn

Others Present

Beth Leffel; Jay Arnold; Jay Braithwaite; Randy Buckley; Jason Burns; Bryan Conrad; Matt Hoff; Laure Wallace; Neil White; Robina Rich Bouffault; Gina Schaecher; Gem Bingol; Val Van Meter

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:06 p.m.

2) Adoption of Agenda

Chairman Hobert provided the following modifications to the agenda. He noted that due to inclement weather the regular meeting was postponed from Tuesday, January 21, 2014 to Thursday, January 23, 2014.

- Remove Item 3: Closed Session
- Replace Item 3 with Item 20: PH 14-01 SUP-13-02/SP-13-08, Gina Schaecher (Happy Tails Development LLC) requesting continuation to 6:30 pm February 18, 2014.

- Add to Item 16 Miscellaneous: Review of Resolution Expressing Opposition to HB268 and SB51
- Add to Personnel Expiration of Terms: Appointments to the Planning Commission and Barns of Rose Hill; 2014 Board of Supervisors Chair Appointments

**Supervisor Byrd moved to adopt the agenda as modified. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

3) PH 14-01 SUP-13-02/SP-13-08, Gina Schaecher (Happy Tails Development LLC)

Chairman Hobert advised that due to inclement weather the public hearing scheduled for 6:30 pm, Tuesday, January 21, 2014 had been postponed to the established alternate date and time of 1:00 pm, Thursday, January 23, 2014; however, the applicant had expressed a preference for an evening public hearing.

**Supervisor McKay moved to continue the public hearing regarding the kennel application [PH 14-01] to February 18, 2014 at 6:30 pm. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

4) Citizens Comment Period

No citizens appeared to address the Board.

5) VDOT

**Supervisor Byrd moved to accept the following report provided by Ed Carter, Assistant Residency Administrator. The motion carried by the following report:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye

John R. Staelin - Absent  
David S. Weiss - Aye

Maintenance – December:

- Performed tree trimming and brush removal along routes 603, 617, 621, 652 and 663;
- Addressed non-hard surfaced road issues with minimal disturbance and stone application;
- Performed pothole repairs on various routes;
- Mobilized and responded to several weather events.

Maintenance – January:

- Work planned – perform brush trimming and tree removal along Rt. 7 business and east off ramp to Rt. 340;
- Continue with Maintenance of non-hard surface road issues as they arise;
- Continue with pothole repairs as they surface;
- Correct drainage issue on Rt. 672 as weather permits;
- Mobilize and respond to weather events as they occur.

Projects:

- Stream bank repair on Rt. 606 – Will commence as soon as weather permits.
- Turning Lane Rt. 340/657 – Ad date January 2014. No change.
- Rt. 636, Westwood Rd. – In design. No change.

Board Issues:

- Advisory signs for thru trucks on Rt. 255 will be placed as soon as weather permits. Awaiting sign delivery.
- Exploring viability of entering into agreement with White Post Home Owners Association for maintenance of the post. No change.

6) Clarke County School Board Update

Supervisors Question: *Provide explanation of School Board's decision to seek a private firm for the superintendent search process in lieu of using the Superintendent Search Assistance Program provided by the Virginia School Boards Association.*

School Board member Dr. Beth Leffel briefly explained the School Board's decision. Highlights include:

- The VSBA assisted with the selection of the retiring superintendent.
- VSBA can perform a state or national search.
- VSBA charges approximately \$5,500 plus expenses that should run no more than \$1,500.
- The School Board preferred to seek bids; however, VSBA does not provide bids for this service. Therefore, it sought bids from private firms that should be in by next week and the cost known. Currently, the School Board is estimating cost ranging from \$22,000 to \$25,000. .
- Vice Chairman Weiss opined that using a private firm at a higher rate appeared to be a waste of taxpayer dollars.
- Supervisor Byrd asked Dr. Leffel if she could research how many textbooks this amount of funding could purchase.
- Per Dr. Leffel, Tom Judge has advised that the School Board could still opt to use VSBA.
- Supervisor McKay inquired as to whether the private firm searches more extensive and was advised private firms will search state, regional or national as requested.
- Robina Rich Bouffault provided response to questions raised by Supervisor McKay stating that for the previous superintendent search the School Board used VSBA for a nationwide search. VSBA advertised; applications came directly to the School Board; and the School Board returned the applications to VSBA for verification.
- Vice Chairman Weiss thanked Dr. Leffel for her services to the community as 2013 School Board Chair and expressed appreciation for her views and her willingness to work toward successful resolution of issues between the School Board and the Board of Supervisors.

#### 7) Fire and Emergency Services (EMS) Workgroup Final Report

Chairman Hobert extended the Board's grateful appreciation to the Fire and Emergency Services (EMS) Workgroup for its hard work and dedication.

Laure Wallace, Workgroup Chair, introduced the members of the team:

- |                    |                   |
|--------------------|-------------------|
| – Jay Braithwaite  | – Randy Buckley   |
| – Elizabeth Leffel | – Brandon Stidham |
| – David Weiss      | – Neal White      |

Ms. Wallace provided a two-hour indepth review of the groups research and findings summarized in a 73-page presentation that is contained in the January 2014 packet. The following are it findings for best practices and its recommendations:

- Best Practices
  - Centralize authority for Fire and EMS, hire a Fire and EMS Coordinator/Director
  - Establish a Fire and EMS Oversight Committee
  - Implement a cost-recovery program
  - Standardize central purchasing and training
  - Invest in recruitment and retention efforts, hire a coordinator
  - Develop a strategic plan and adopt county-based EMS performance metrics
  - Standardize reporting to track and evaluate performance
  - Meet NFPA Standards for fire service
  - Use SAFER grants to engage a recruitment officer
- Recommendations – County
  - 1) Develop a data-driven 5-year strategic plan for the County Fire and EMS Service, with measurable goals.
  - 2) Develop EMS and Fire Performance Metrics to evaluate system effectiveness and drive future decisions.
  - 3) Develop a staffing plan based on performance metrics and the 5-year plan.
  - 4) Create a position in the County for a Director with responsibility for overall coordination of the Fire and EMS System and Emergency Operations, authority over administrative functions of the system, and management of the CCEMS staff.
  - 5) Appoint a Fire & EMS Commission to provide oversight on the Fire and EMS systems in the County
  - 6) Hire a Volunteer Coordinator through a SAFER grant for three (3) years to assist volunteer recruitment and mentoring of new members and retention of skilled volunteers.
  - 7) Update all Mutual Aid Agreements with surrounding counties and hold those agreements at the County level.
  - 8) Implement a Fee-For-Service Program for EMS services.
  - 9) Apply immediately through SAFER grants for increased staffing in 2015, and recruitment and retention support.

- 10) Implement and provide for annual review of the Emergency Operations Program (EOP) under the leadership of the Director.
  - 11) Institute agreements with each volunteer Fire and Rescue Company to define the county's expectations for company performance.
  - 12) Review and refine ECC data collection on Fire and EMS calls to ensure that data can be searched and reported to the Director in a systematic way.
  - 13) The Director, with CCFRA, OMD, and ECC should review the Emergency Medical Dispatch system to ensure that the system is designed to provide best patient care prior to EMS arrival.
  - 14) The Director should work with the CCRA and ECC to build protocols to use the capabilities of the IAMRESPONDING system.
  - 15) Review response Protocols for BLS service by CCEMS.
  - 16) Develop GIS tracking in EMS vehicles as part of Mobile Data Computers.
  - 17) Prior to the development of the staffing plan, allow for the additional use of PT staff to ensure coverage of 2 providers with firefighter and EMT certification (24/7).
  - 18) Ensure that all FT employees are focused on training each year to ensure current skills and provide the opportunity to maintain standard-of-care practices for Fire and EMS service provision.
  - 19) Provide an adequate budget for CCEMS.
- Recommendations Volunteers
- 1) Establish Duty Crews at each company for nights and weekends and/or establish a driver duty crew to support the Career Staff on nights and weekends.
  - 2) Review the current "point system" used for Tax Relief and refocus points toward running EMS and Fire calls.
  - 3) Ensure that all members are trained and using the IAMRESPONDING system. Consider a specified number of hours that members must be signed up and responding in the system.
  - 4) Perform Regular Cross-company Run Reviews.

- 5) Perform regular pre-planning for major businesses and structure fire scenarios with the Director.
  - 6) Provide for initial and regular health checkups for the volunteer Fire and EMS personnel, including drug screening.
- Funding Needs
- Hiring a Director for Fire and EMS and Emergency Operations
  - Hiring a Recruitment and Retention Coordinator
  - Supporting the short term increase in paid staff at Co. 10. Potential for FT hires in 2015.
  - Hiring a PT Admin staff to support and manage the Fee for Service Program
  - Director of Fire EMS and EO
    - County Funding 2014, F-F-S 2015 and beyond
  - Recruitment and Retention Coordinator
    - 3 years, SAFER Grant 2015 to 2018
  - Increase in PT staff at Co. 10 in 2014
    - County Funding
  - Potential Increase FT Fire and EMS Staff, 2015
    - SAFER grant 2015, SAFER GRANT plus F-F-S and county funds 2016 and beyond
  - PT Admin support Fee for Service
    - F-F-S or Current Admin Staff

Chairman Hobert stated that Ms. Wallace had done a fine job of presenting very complicated material. He instructed David Ash and Brandon Stidham to review and compile the information for further discussion by the Board at its February Work Session. He thanked Mr. Stidham for his efforts as the group's staff coordinator.

Vice Chairman Weiss commented that he had never seen members of a committee do so much work outside the group. He assured those present that the Board had no desire to undermine the volunteer system rather it wished to respond to concerns raised and to support by filling the gaps.

- 8) Set Public Hearing -- 2013 Comprehensive Plan [PH 14-02] and 2013 Transportation Component Plan [PH 14-03]

Brandon Stidham briefed the Board on the public hearing requirements.

**Supervisor Byrd moved to set public hearings on the 2013 Comprehensive Plan and 2013 Transportation Component Plan for Tuesday, March 18, 2014 at 6:30 pm or as soon thereafter as the matters may be heard. The motion carried by the following vote:**

Barbara J. Byrd - Aye  
J. Michael Hobert - Aye  
Beverly B. McKay - Aye  
John R. Staelin - Absent  
David S. Weiss - Aye

- 9) Approval of Minutes

**Supervisor McKay moved to approve the minutes for the December 17, 2013 Regular Meeting as presented. The motion carried by the following vote:**

Barbara J. Byrd - Aye  
J. Michael Hobert - Aye  
Beverly B. McKay - Aye  
John R. Staelin - Absent  
David S. Weiss - Aye

- 10) Consent Agenda

Conservation Easement Barbara Schirmacher Easement Donation; Linda Thomas Building Envelope Amendment

MEMORANDUM

TO: Board of Supervisors, David Ash  
FROM: Conservation Easement Authority, Alison Teetor  
DATE: January 14, 2014  
SUBJECT: Items for Consent Agenda

The Clarke County Easement Authority has approved the following actions. The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions, subject to the property owners and lenders signing the Deed prior to the Chair.

**Easement Donation**



Barbara Schirmacher has applied to the easement authority for approval of an easement donation. The property located on the west side of Titlhammer Mill Road approximate ½ mile north of the intersection of Tilthammer Mill and Millwood Rd at 476 Tilthammer Mill Road. The property identified as Tax Map# 30-((A))-78, consists of 14.9 acres has an existing house and no additional DURs.

The parcel meets the required criteria. The property resource score was 43.77, points were given for being adjacent to an existing easement (Burwell-Van Lennep) and frontage on a scenic byway (Tilthammer Mill Rd). The property is not over 40 acres there are no additional DUR's to retire. The property owner has requested consideration for an easement donation primarily to be able to retain land use taxation should she decide to stop farming.

**Building Envelope Amendment**

The easement authority accepted an easement donation on 4 parcels owned by Linda Thomas in Calmes Neck in 2007. Building envelopes were identified on 3 of the 4 properties to direct construction away from the river, a natural area, and steep slopes on the property. Ms. Thomas is selling property and a buyer has a contract on Parcel 31-((1))-81A that consists of 19 acres with 1 DUR. The building envelope was included on the plat recorded with the Deed of Easement, and in order to verify the location of this envelope the owner hired Stuart Dunn to survey and stake the building envelope location (see attached plat). When staking in the field the envelope extended down the slope and beyond the intent to locate the house on a knoll. The Authority approved the revised building envelope at their meeting September 25, 2013. Bob Mitchell subsequently drafted a Deed of Amendment (attached) that will be recorded with the revised plat. The Easement Authority has been requested to review the locations of the two remaining envelopes and staff is requesting that the Board authorize the Chair to sign any additional amendments to building envelopes on the Thomas easement if approved by the Authority.

**Vice Chairman Weiss moved to approve the item on the Consent Agenda. The motion carried by the following vote:**

- Barbara J. Byrd - Aye
- J. Michael Hobert - Aye
- Beverly B. McKay - Aye
- John R. Staelin - Absent
- David S. Weiss - Aye

11) Personnel Committee Items

A. Expiration of Term for appointments expiring through March 2014.

01/15/2014: The Personnel Committee made the following recommendations for appointment:

- Alain Borel – Board of Zoning Appeals: notify the Circuit Court of the Board’s recommendation to re-appoint Mr. Borel to serve another five-year term expiring February 15, 2019.

- Kathy Smart – Berryville Area Development Authority to serve a three-year term expiring March 31, 2017.

01/23/2014 Summary:

Supervisor Byrd put forth Robert Stieg to serve the remainder of Thomas Gilpin's term on the Clarke County Historic Preservation Commission term expiring May 31, 2014.

Supervisor Byrd advised that Bill Johnston had withdrawn his resignation from the Barns of Rose Hill Board and would be serving the remainder of his term expiring December 31, 2015.

Supervisor McKay put forth Randy Buckley to serve the remainder of Clay Brumback's term on the Planning Commission expiring April 30, 2014 and continuing to serve a full four-year term expiring April 30, 2018.

**Supervisor Byrd moved to approve the recommends of the Personnel Committee as modified. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

2014 Chair Assignments

**Vice Chairman Weiss moved to accept the 2014 Board of Supervisors Chair assignments as presented. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

<b>2014 Board of Supervisors Chair Assignments</b>			
<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>
Northwestern Regional Jail Authority	David L.	Ash	BOS - Appointed Member
BCCGC Joint Building Committee	David	Ash	County Administrator

<b>2014 Board of Supervisors Chair Assignments</b>			
<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>
Regional Airport Authority	David L.	Ash	BOS - Alternate
Joint Administrative Services Board	David L.	Ash	County Administrator
Board of Supervisors Finance Committee	Barbara J.	Byrd	BOS - Alternate
Clarke County School Board	Barbara J.	Byrd	BOS - Liaison
Clarke County Library Advisory Board	Barbara J.	Byrd	BOS - Liaison
Clarke County Planning Commission	Barbara J.	Byrd	BOS - Alternate
Board of Supervisors Personnel Committee	Barbara J.	Byrd	BOS - Alternate
Towns and Villages: Berryville	Barbara J.	Byrd	BOS - Liaison
Northwestern Regional Juvenile Detention Center Commission	Barbara J.	Byrd	BOS - Liaison
Northwestern Regional Jail Authority	Barbara J.	Byrd	BOS - Liaison - Alternate
Clarke County Humane Foundation	Barbara J.	Byrd	BOS - Liaison
Board of Social Services	Barbara J.	Byrd	BOS - Appointed Member
Board of Supervisors Personnel Committee	J. Michael	Hobert	BOS - Appointed Member
Towns and Villages: Berryville	J. Michael	Hobert	BOS - Liaison - Alternate
Parks & Recreation Advisory Board	J. Michael	Hobert	BOS - Liaison
Joint Administrative Services Board	J. Michael	Hobert	BOS - Appointed Member
Board of Supervisors Finance Committee	J. Michael	Hobert	BOS - Appointed Member
Board of Supervisors	J. Michael	Hobert	Chair
Legislative Liaison and High Growth Coalition	J. Michael	Hobert	BOS - Liaison
Emergency Services	J. Michael	Hobert	BOS - Liaison
The 150th Committee	Beverly	McKay	BOS - Appointed Member
Regional Airport Authority	Beverly	McKay	BOS - Alternate
Water Resources Policy Committee	Beverly	McKay	BOS - Alternate
Towns and Villages: Boyce	Beverly	McKay	BOS - Liaison
Northern Shenandoah Valley Regional Commission	Beverly	McKay	BOS - Appointed Member

<b>2014 Board of Supervisors Chair Assignments</b>			
<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>
Housing and Community Services Board	Beverly	McKay	BOS - Appointed Member
Building and Grounds	Beverly	McKay	BOS - Appointed Member
Board of Supervisors Personnel Committee	Beverly	McKay	BOS - Appointed Member
Board of Supervisors Finance Committee	Beverly	McKay	BOS - Alternate
BCCGC Joint Building Committee	Beverly	McKay	BOS - Alternate
Northern Shenandoah Valley Regional Commission	John	Staelin	BOS - Alternate
Board of Supervisors Finance Committee	John	Staelin	BOS - Alternate
Clarke County Industrial Development Authority	John	Staelin	BOS - Liaison
Clarke County Litter Committee	John	Staelin	BOS - Liaison
Towns and Villages: Millwood	John	Staelin	BOS - Liaison
Clarke County Planning Commission	John	Staelin	BOS - Appointed Member
Towns and Villages: Pine Grove	John	Staelin	BOS - Liaison
Towns and Villages: Boyce	John	Staelin	BOS - Alternate
Economic Development Advisory Committee	John	Staelin	BOS - Appointed Member
Water Resources Policy Committee	John	Staelin	BOS - Appointed Member
Clarke County Sanitary Authority	John	Staelin	BOS - Alternate
Board of Septic & Well Appeals	John	Staelin	BOS - Appointed Member
Board of Supervisors Personnel Committee	David	Weiss	BOS - Alternate
Joint Administrative Services Board	David	Weiss	BOS - Alternate
Board of Supervisors	David	Weiss	Vice Chair
BCCGC Joint Building Committee	David	Weiss	BOS - Appointed Member
Board of Septic & Well Appeals	David	Weiss	BOS - Alternate
Clarke County Agricultural Advisory Committee	David	Weiss	BOS - Appointed Member
Clarke County School Board	David	Weiss	BOS - Alternate
Conservation Easement Authority	David	Weiss	BOS - Appointed Member

<b>2014 Board of Supervisors Chair Assignments</b>			
<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>
Board of Supervisors Finance Committee	David	Weiss	BOS - Appointed Member
Building and Grounds	David	Weiss	BOS - Alternate
Towns and Villages: Pine Grove	David	Weiss	BOS - Liaison

B. Procurement Personnel Policy Revision and Update by David Ash

01/15/2014: David Ash briefed the Committee on Springsted's proposal to update the Personnel Polices, in conjunction with the pay and classification update, for cost of \$7,000 with a maximum of \$1,000 in expenses. Supervisor Hobert requested that the matter be put before the Finance Committee for consideration.

**Supervisor Byrd moved to recommend contracting with Springsted to perform personnel policy preparation in conjunction with the pay and classification study. The vote was approved by the following vote:**

**Supervisor Byrd – Aye  
Supervisor Hobert – Aye**

01/23/2014 Summary: **Supervisor McKay moved to approve the recommendation with the understanding that \$8,500 be transferred from the professional services contingency to the County Administrator budget for the purpose of updating the County's Personnel Policy. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

C. 2014 Conflict of Interest Status Update

01/15/2014: Conflict of Interests filings due by 5pm today. As of this morning, County Administration has received 35 of 46 filings. Supervisor Hobert instructed David Ash to consult with Bob Mitchell regarding failure to file.

01/23/2014 Summary: Staff is pursuing any outstanding filings.

D. Notification of Department Head Resignation

01/15/2014: David Ash informed the Committee that the Building Department Official has announced his intent to resign. A notice seeking interim assistance was sent to the Counties of Warren and Frederick. Frederick responded, met with County staff on Monday, and expressed its willingness to cover on an interim basis. Frederick also expressed interest in providing long-term service. The County is covered for the interim and an avenue to on a different way of doing business is open. Supervisor Hobert asked Mr. Ash to provide a cost analysis at the February meeting.

12) Board of Supervisors Annual Organizational Meeting & Work Session

A. Call To Order

1/15/2014: Supervisor J. Michael Hobert called the meeting to order at 10:02.

B. Organizational Meeting

1. Election of 2014 Chair: 1/15/2014: J. Michael Hobert was nominated 2014 Chair.
2. Election of 2014 Vice Chair: 1/15/2014: David S. Weiss was nominated 2014 Vice Chair.
3. Set Date, Place and Time of Regular Meetings: 1/15/2014: The Supervisors approved the schedule as provided.
4. Adoption of Rules of Procedure [Revision 10 Proposed] 1/15/2014: The Supervisors approved Revision 10 as proposed. *[01/21/2014 Packet Note: Document distributed in the 01/15/2014.]*

Annual Code of Virginia Distribution: 1/15/2014: The Chair acknowledged distribution.

1. 2.2-3100 State and Local Government Conflict of Interests Act
2. 2. 2-3700 The Virginia Freedom of Information Act
2. 42.1-76 Virginia Public Records Act

C. Adoption of Agenda

1/15/2014: By consensus, the Supervisors adopted the agenda as presented.

D. Review of FY2013 Audit Robinson Farmer Cox Associates by Matthew A. McLearn, CPA, CFE

1/15/2014: Matthew McLearn provided a brief overview of the FY2013 audit report. He assured that the Financial Trend Report would be provided at a later date. Tom Judge will verify Industrial Development Authority debt reporting requirements.

E. ERP Update by Tom Judge

1/15/2014: Tom Judge briefly updated the Supervisors on the ERP project. Tyler Technologies was selected and the contract should be before the Supervisors and the School Board in February. The Supervisors requested that Mr. Judge work on arranging a presentation by Tyler for the Supervisors and School Board tentatively scheduled for January 27.

F. White Post Dairy Update

1/15/2014: Alison Teetor advised that in response to her most recent inquiry DEQ indicated that there were only two outstanding issues: Continued water monitoring and the boundary line issues with the Roberts property. A water analysis has been requested.

G. Identify CCPS Discussion Issues:

1/15/2014: Following discussion, the Supervisors requested the following request be provided to the School Board for presentation:

- For the January 21, 2014 meeting:
  - o Provide explanation of the School Board's decision to seek a private firm for the superintendent search process at an estimated \$25,000 instead of using the Superintendent Search Assistance Program provided by the Virginia School Boards Association at an approximate cost of \$8,000.
- For the February 18, 2014 meeting:
  - o Elementary school renovation update including proposed use of contingency funds for extra projects above what was budgeted including upgrades to the cafeteria and band room.
  - o Capital Improvement Program including security projects, building consolidation[s] and renovations.

13) Finance Committee Items

1. FY2014 Supplemental Appropriation

01/23/2014 Summary: Please find the attached grant award of\$50,000 from the Commonwealth's Asset Forfeiture Fund to the Clarke County Drug Enforcement Fund. **The following action is recommended: "Be it resolved that \$50,000 in revenue from the Commonwealth be recognized in the General Government Capital Projects Fund, and that budgeted expenditures and appropriations of the same amount be made to the General Government Capital Projects fund, all for the purpose of purchasing 10 Motorola portable radios."**

**Vice Chairman Weiss moved to approve. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

2. Sheriff FY 15 Budget.

01/15/2014 Summary: Sheriff Roper proposed salary adjustments for his office as part of his FY 15 budget request. Please see attached backup documentation. **No action was taken by the Committee.**

3. Request of Blue Ridge Volunteer Fire Company for used Sheriff's vehicle.

01/23/2014 Summary: Attached is a request from the Blue Ridge Volunteer Fire Company for a used Sheriff's vehicle. The vehicle is valued at \$2,500. **Action: The Finance Committee recommends approval of this request.**

**Vice Chairman Weiss moved to accept the Finance Committee's recommendation. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

4. Fiscal Policy Amendment.



01/23/2014 Summary: In "Expenditure Polices" Section C "Expenditure Accountability" add a new section 9 "Donations" to read "The County may accept donations of cash, materials and labor from individuals or groups for purposes it deems to be in the best interest of the County. Because the scope and components of projects are frequently modified subsequent to the donation, **the Board of Supervisors encourages the donor to write** a general statement of purpose **rather than a restriction is encouraged** to permit **the** efficient management of the project. If a donation is formally accepted with a documented restriction, the Board of Supervisors shall respect that restriction or request a modification from the donor. However, if the donation is not expressly restricted **the Board of Supervisors shall do its best to honor the donor's general statement of purpose, but ultimately** the donated funds may be utilized for such purposes as are determined by the Board of Supervisors."

**Vice Chairman Weiss moved to accept the amended policy. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

5. FY2015 Budget Calendar.

01/23/2014 Summary: **Vice Chairman Weiss moved to accept the FY2015 Budget Calendar as presented. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

FY 15 BUDGET CALENDAR

BOS PROPOSED

<i>Date</i>	<i>Time</i>	<i>Location</i>	<i>Event</i>
Thursday, January 16, 2014	02:00 PM	JGC	Staff Revenue Review
Wednesday, January 22, 2014	05:30 PM	JGC	Finance Committee: Revenue Review
Tuesday, January 28, 2014	05:30 PM	JGC	Finance Committee: Agency presentations
Monday, February 04, 2013	10:00 AM	JGC	Budget Worksession: presentation by County Administrator
Wednesday, February 05, 2014	08:30 AM	309 West Main	Finance Committee: School Finance Invitation
Monday, February 10, 2014	10:00 AM	JGC	BOS Worksession: Direction to County Administrator
Thursday, February 13, 2014	05:30 PM	JGC	Finance Committee
Wednesday, February 19, 2014	08:30 AM	309 West Main	Finance Committee: School Finance Invitation
Thursday, February 20, 2014	05:30 PM	JGC	Finance Committee
Tuesday, March 04, 2014	07:00 PM	JGC	BOS Worksession: SB presentation
Thursday, March 06, 2014	05:30 PM	JGC	Finance Committee
Monday, March 10, 2014	10:00 AM	JGC	BOS Worksession
Thursday, March 13, 2014	05:30 PM	JGC	Finance Committee
Tuesday, March 18, 2014	06:30 PM	JGC	BOS Worksession until final number
Tuesday, March 25, 2014	NA	Winchester Star	Advertise in newspaper.
Tuesday, April 01, 2014	NA	Winchester Star	Advertise in newspaper.
Wednesday, April 09, 2014	07:30 PM	JGC	Public Hearing
Wednesday, April 16, 2014	06:30 PM	JGC	BOS Worksession until final numbers; recess, then adopt budget and Appropriations Resolutions.

6. Request to Clarke County Humane Foundation for continuation of Animal Shelter subsidy.

01/23/2014 Summary: Tom Judge advised that the Clarke County Humane Foundation contribution agreement will end at the end of the current fiscal year. A request to extend the current agreement has been forwarded to the Clarke County Humane Foundation.

7. Historic Driving Brochure.

01/23/2014 Summary: Updating of the County's Historic Driving Brochure was discussed last spring. A number of questions were raised concerning popularity of the brochure, existing stock of brochures, volume and type of changes, and whether a "phone app" or website solution might be preferable. Brandon Stidham and Maral Kalbian updated the Committee on this project and recommended printing additional brochures and creating an electronic version accessible from the County website. **The Committee recommends the following: "Be it resolved that \$6,900 be transferred from the professional services contingency to the Historic Preservation Commission/or the purpose developing and printing an Historic Driving Brochure."**

**Vice Chairman Weiss moved to accept the Finance Committee's recommendation. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

8. Personnel Policy Update.

01/23/2014 Summary: The Personnel Committee recommended contracting with Springsted, the consultant now updating the Pay and Classification Plan, also to update the County's Personnel Policy. **The Finance Committee in turn recommends the following: "Be it resolved that \$8,500 be transferred from the professional services contingency to the County Administrator budget for the purpose of updating the County's Personnel Policy."**

*Board action on this item is recorded under Item 11 Personnel Committee Items B. Procurement Personnel Policy Revision and Update.*

9. Acceptance of Bills and Claims

01/23/2014 Summary: **Vice Chairman Weiss moved to accept the December bills and claims. The motion carried by the following vote:**

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Aye
John R. Staelin	-	Absent
David S. Weiss	-	Aye

10. Standing Reports

FY2014 General Fund Balance, Reconciliation of Appropriations; General Government Expenditure Summary, Conservation Easement Authority General Government Capital Projects

14) Joint Administrative Services Board Update

Tom Judge summarized the items of interest under review by the Joint Administrative Services Board.

- An update on the ERP was given at the January 15 Work Session.
- Tyler will demonstrate the ERP system January 27 at 4:30 pm for members of the School Board and Board of Supervisors. Chairman Hobert requested that Mr. Judge provide a reminder notice to the School Board and the Supervisors and asked that the invitation be extended to constitutional officers.

15) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- 100 Church Street – Sheriff’s Office
  - o The Sheriff met with the architect this morning and the final document is expected next week. The nature of the changes is small and do not require significant documentation.
- 101 Chalmers Court – HVAC Retrofit
  - o Ordered equipment necessary for the Meeting Room.
  - o System was not built according to design or to “as built” drawings.
  - o Meeting locations may need to be adjusted to free the room for repairs.

16) Miscellaneous Items

Resolution Expressing Opposition To HB268 And SB51

Chairman Hobert informed the Supervisors that a bill relating to limiting of local land use decision make was being advanced in current General Assembly session; and at his request, Brandon Stidham had drafted a resolution in opposition to the proposed legislation. He advised that John Staelin had reviewed the proposed resolution.

Vice Chairman Weiss commented that these types of bills, while put forth under the guise of right to farm, are actually detrimental to right to farm and are typically counter-productive measures by special interest groups. He stated that right to farm laws were necessary to be able to farm adequately in Virginia; however, intrusions into local control undermine the system and intrude into agricultural activities and state regulation.

**Supervisor McKay moved to approve distribution of the proposed resolution and cover letter as presented to the County’s legislative representatives and to the Senate Agriculture, Conservation and Natural Resources Committee. The motion carried by the following vote:**

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Aye
John R. Staelin	-	Absent
David S. Weiss	-	Aye

January 23, 2014

Senator Jill Vogel

Delegate J. Randall Minchew

Delegate Dave LaRock

117 E. Piccadilly Street Ste 100B  
Winchester, Va 22601

1 E Market Street 3rd Floor  
Leesburg, Va 20176-3014

P.O. Box 6  
Hamilton, Va 20159

On behalf of the Clarke County Board of Supervisors, enclosed is a Resolution Expressing Opposition to HB268 and SB51 relating to local regulation of activities at agricultural opposition. This Resolution was adopted by our Board on January 23, 2014.

Echoing our opposition to HB1430 in last year's General Assembly Session, we are strongly opposed to any legislation that would limit the land use and zoning powers of local jurisdictions. HB268, introduced by Del. Robert D. Orrock, Sr., and SB 51, introduced by Sen. Richard Stuart, propose the prohibition of local ordinances that restrict certain enumerated activities at an agricultural operation unless the restriction bears a relationship to the health, safety, or general welfare of the public. The bills further propose to limit local land use decision-making authority by prohibiting localities from requiring special use permits for agritourism activities. These activities can include recreation, entertainment, and educational activities as defined in Code of Virginia §3.2-6400 as well as the preparation, processing, and sale of food products as proposed by the bills.

Our specific concerns with the bills are summarized as follows:

- The bills do not succinctly define related agritourism activities in terms of scope and intensity. For example, "recreation" activities could include seasonal festivals with significant retail components; "entertainment" activities could include music festivals and concerts; and "sale of food products" could include restaurants and retail food markets.
- The bills require localities when regulating agritourism activities to "take into account the economic impact of the restriction on the agricultural operation." The bills do not state how this consideration is to be accomplished and to what end this subjective criteria is to be weighed. This can also result in legal challenges and significant legal expenses to localities.
- The bills would prohibit localities from using special use permits as a tool to evaluate more intensive agritourism activities. Special use permits are among the most versatile tools to enable case by case evaluation of uses by the governing body and imposition of reasonable conditions to ensure compatibility with surrounding properties. The County is opposed to extending this level of protection for uses that could include music and seasonal festivals, retail activities, and restaurants in otherwise rural, agrarian communities.

Clarke County, like many other rural counties across the Commonwealth, has a strong interest in promoting the growth and sustainability of its agricultural, agribusiness, and agritourism industries. We also have an equally strong interest in ensuring that all uses are compatible with our land use objectives and ordinances. In order to successfully balance these interests, localities must be able to adopt zoning ordinances consistent with our comprehensive plans to ensure that the scope and intensity of agritourism activities are reasonably regulated. This authority best lies with the local governing body and should not be curtailed by overly broad state regulations.

Sincerely,  
J. Michael Hobert  
Chair, Clarke County Board of Supervisors

**RESOLUTION EXPRESSING OPPOSITION TO HB268 AND SB51**

**2014-01R**

**Whereas**, Clarke County has a well-documented history of vigorously supporting its agricultural industry and the rights of its farming community, and

**Whereas**, HB268, introduced by Del. Robert D. Orrock, Sr., and SB 51, introduced by Sen. Richard Stuart, propose to curtail local zoning authority to regulate agritourism activities by prohibiting local ordinances that restrict certain enumerated activities at an agricultural operation unless the restriction bears a relationship to the health, safety, or general welfare of the public, and

**Whereas**, HB268 and SB51 further propose to limit local land use decision-making authority by prohibiting localities from requiring special use permits for the aforementioned activities conducted at an agricultural operation, and

**Whereas**, Code of Virginia regulations currently do not provide agricultural operations with such broad exemptions from local zoning ordinances which can include recreation, entertainment, and educational activities as defined in §3.2-6400 or retail food markets and restaurants as proposed by HB268 and SB51 in §15.2-2288.6(B)(4), and

**Whereas**, HB268 and SB51 do not succinctly define these related agritourism activities in terms of scope and intensity, and codification of HB268 and SB51 would likely lead to confusion and costly legal expenses to localities attempting to adopt ordinances, and

**Whereas**, the overly broad categorization of agritourism activities also fails to balance the need to foster the prosperity of our agricultural industries with the responsibility of preventing excessive commercialization of our rural areas, and

**Whereas**, land-use tools such as use standards and special use permits enable local jurisdictions to ensure that agritourism activities are compatible with neighboring properties and do not result in excessive commercialization of our rural, agricultural communities, and

**Whereas**, local jurisdictions should retain the ability to determine whether agritourism activities are compatible with their rural, agricultural communities as the local governing bodies are in the best position to make this determination.

**Now therefore be it resolved** that the Clarke County Board of Supervisors expresses its unequivocal opposition to HB268 and SB51 on grounds that it represents an unsupported erosion of local zoning authority and lacks clear language and explanation as to its relationship to the preservation of agriculture in the Commonwealth.

Adopted this 23th day of January 2014.

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J. Michael Hobert, Chair

17) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Re-advertise public hearing PH 14-01 for February 18, 2014 at 6:30 pm.	Lora B. Walburn
2.	Compile Fire and Rescue recommendations for review of at the February Work Session.	David Ash; Brandon Stidham
3.	Advertise public hearings PH 14-02 and PH 14-03 for March 18, 2014.	Lora B. Walburn
4.	Process approved minutes.	Lora B. Walburn
5.	Process appointments; update database.	Lora B. Walburn
6.	Execute letters of appointment.	J. Michael Hobert
7.	Update database for 2014 Chair assignments.	Lora B. Walburn
8.	Amend Fiscal Policy and distribute.	Lora B. Walburn
9.	Update website and calendars with FY2015 Budget Calendar.	Susanne Vaughan
10.	Arrange a second demonstration by Tyler for School Board and Supervisors and notify participates and extend invitation to Constitutional Officers.	Tom Judge
11.	Process and forward Resolution 2014-01R.	Lora B. Walburn

18) Board Member Committee Status Reports

Supervisor Barbara Byrd:

- Regional Jail Authority: Inmate medical issues are placing increased demands on staff.
- Juvenile Jail: Demand is rising. To meet growing need, the Board is considering revising food service delivery.
- Social Services: Budget is prepared and ready to forward to the Finance Committee.
- Town of Berryville: Supervisor Byrd suggested that the Town consult with Brian Cather, a local veterinarian, on the proposed poultry ordinance under consideration.

Vice Chairman Weiss:

- Conservation Easement Authority: going strong; recently received a \$150,000 grant.

Supervisor McKay:

- NSVRC: Nothing to report. December meeting was a Christmas dinner. No meeting is scheduled for January.

19) Citizens Comment Period

No evening session was conducted.

20) PH 14-01 SUP-13-02/SP-13-08, Gina Schaecher (Happy Tails Development LLC)

Item 20 was reordered to Item 3 and continued until 6:30 pm February 18, 2014.

21) Adjournment

There being no further business to be brought before the Board at 3:54 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday February 18, 2014 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: January 23, 2014

\_\_\_\_\_  
J. Michael Hobert, Chair

\_\_\_\_\_  
David L. Ash, County Administrator

\_\_\_\_\_  
Minutes Recorded and Transcribed by:  
Lora B. Walburn  
Deputy Clerk, Board of Supervisors